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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James Anthony Davis,

Plaintiff,

Case No. 2:22-cv-01796-RFB-DJA

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Michael Miney, *et al.*

Defendants.

Fifth Stipulation for Revised Scheduling Order

Pursuant to FRCP 16(b)(4) and Local Rule 26-2, the parties stipulate and agree to modify/extend the Scheduling Order (ECF No. 63) and respectfully request the Court approve the proposed schedule, set forth herein. This is the fifth stipulation for the extension of these deadlines. This request is submitted at least twenty-one (21) days or more before the close of discovery (April 29, 2025) is made in good faith, and is supported by good cause.

1 STATEMENT OF FACTS IN SUPPORT OF STIPULATION

2 On May 8, 2024, the Court approved the parties' stipulation for a discovery
3 schedule. Shortly thereafter, Plaintiff's counsel diligently began discovery, making
4 an initial disclosure and serving a request for production (RFP) on May 17, 2024 for
5 a number of documents from NDOC, including Mr. Davis's medical records.

6 As previously noted, the discovery production in this case is particularly large,
7 so far encompassing over 3,000 pages of documents. Plaintiff's counsel, after agreeing
8 to an extension of the production deadline sought by Defendants, did not receive an
9 initial disclosure until June 21, and received subsequent disclosures on July 1, July
10 11, and August 1. Plaintiff's counsel has required significant time to organize and
11 review these records, so that he can determine what other discovery is needed to fully
12 develop the claims in this case.

13 Since the prior extensions were sought, counsel have proceeded with discovery.
14 Plaintiff's counsel conducted a Rule 30(b)(6) deposition on November 15, 2024.
15 Plaintiff's counsel has recently noticed a deposition of Defendant Seymour Omandac.
16 Counsel's preparations have been complicated by the fact that Mr. Davis has recently
17 been brought back to the High Desert State Prison because of an alleged parole
18 violation, which has complicated attorney-client communications and raises
19 additional concerns about his medical care, which the parties have been conferring
20 about.

21 Plaintiff's counsel has been preoccupied with a trial in Johnson v. Barrett, 2:17-
22 cv-02304-RFB-BNW, for much of the last two months. At the time the last 60 day
23 extension was stipulated to, that trial was scheduled to commence on January 21,
24 2025. Afterwards, however, that trial was moved back to February 24, 2025. The
25 trial went forward and concluded on February 26. However, preparation for that trial
26

1 (and multiple pre-trial hearings) has taken up a great deal of counsel's time during
2 that period and has necessitated another extension.

3 Having conferred, the parties agree that more time is needed to conduct
4 discovery and ask for a sixty (60) day extension of the current deadlines.

- 5 • The parties may engage in discovery until June 30, 2025;
- 6 • Expert disclosures must be made on or before April 29, 2025, and
7 disclosures of rebuttal experts must be made on or before May 30, 2025.
- 8 • Dispositive Motions: that they be filed and served no later than July 28,
9 2025;
- 10 • Joint Pretrial Order: that it be due on August 29, 2025. If dispositive
11 motions are filed, the deadline for filing the joint pretrial order will be
12 suspended until 30 days after decision on the dispositive motions or
13 further court order.

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CONCLUSION

Based on the foregoing and for good cause appearing, the Parties respectfully request that the Court approve their Stipulation and alter the discovery deadlines as set forth above.

Dated February 27, 2025

Aaron D. Ford
Attorney General

/s/ Kyle L. Hill

Kyle L. Hill
Deputy Attorney General

Rene L. Valladares
Federal Public Defender

/s/ Ryan Norwood

Ryan Norwood
Assistant Federal Public Defender

IT IS SO ORDERED:



DANIEL J. ALBREGTS

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: 2/28/2025